

DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on April 2, 2008

These rules take effect August 1, 2008

(By authority conferred on the director of the department of labor and economic growth by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011)

R 408.30551, R 408.30556, R 408.30557, R 408.30561, R 408.30562, R 408.30564, R 408.30565, R 408.30566, R 408.30568, R 408.30569, R 408.30570, R 408.30571, R 408.30572, R 408.30573, R 408.30574, R 408.30575, R 408.30576, R 408.30577 of the Michigan Administrative Code are amended to read as follows:

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, 2006 edition, including appendix A and resource A, hereinafter referred to as "the code," is adopted by reference, as provided in MCL 24.232, as the "Michigan rehabilitation code for existing buildings" with the exception of sections 104.8, 108.2 to 108.6, 114.3, 605.1.1 to 605.2, 706.2, 706.3 and 1104.1.1 to 1104.1.4, 1105.15 and Appendix B, and as otherwise noted in these rules. The international existing building code, 2006 edition is available for inspection at the Okemos office of the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes or from International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, at a cost as of the time of adoption of these rules of \$47.00.

R 408.30556 Elevators.

Rule 556. Section 802.1.2 of the code is amended as follows:

802.1.2. Elevators. Where there is an elevator or elevators for public use, at least 1 elevator serving the work area shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire fighting or rescue purposes shall be provided with emergency operation in accordance with the Michigan elevator code. New elevators shall be provided with phase I emergency recall operation and phase II emergency in-car operation in accordance with the Michigan elevator code.

R 408.30557 Definitions.

Rule 557. The definition of act and building official are added to section 202 of the code to read as follows: 202. Definitions.

August 23, 2007

“Act” means 1972 PA 230, MCL 125.1501 and known as the Stille-DeRossett-Hale single state construction code act.

"Building official" means the person who is appointed and employed by a governmental subdivision charged with the administration and enforcement of the state code or codes and who is registered in accordance with the requirements of 1986 P.A. 54, MCL 338.2301 to 338.2313. Where used in this code, the term code official means "building official".

R 408.30561 Accessibility. Rule 561. Sections 308.1, 308.6, 308.7, 308.8.2 and 308.8.3 of the code are amended as follows:

308.1 Scope. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply in accordance with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30547.

308.6 Alterations. A building, facility, or element that is altered shall comply with the applicable provisions in chapter 11 of the code and ICC/ANSI A117.1 listed in chapter 35, unless technically infeasible. When compliance with this section is technically infeasible, then the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by section 308.7 of the code.
2. Accessible means of egress required by chapter 10 of the code are not required to be provided in existing buildings and facilities.
3. Buildings, structures, or improved areas which exist on or before the effective date of these rules and which are in compliance with the code at the time of the issuance of the certificate of occupancy unless the alteration specifically modifies an area covered by sections 308.6 to 308.8 of the code.
4. The alteration to type A individually owned dwelling units within a group R-2 occupancy shall meet the provision for a type B dwelling unit and shall comply with the applicable provisions in chapter 11 and ICC/ANSI A 117.1 listed in chapter 35.

308.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to a, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

1. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets, and signs.
2. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems, and abatement of hazardous materials.
3. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility, or element.

308.8.2 Elevators. Altered elements of existing elevators shall comply with the Michigan elevator code, R 408.7001 to R 408.8695. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

308.8.3. Platform lifts. Platform (wheelchair) lifts complying with ICC/ANSI A 117.1 listed in chapter 35, and installed in accordance with the Michigan elevator code, R 408.7001 to R 408.8695 shall be permitted as a component of an accessible route.

R 408.30562 Submittal of documents.

Rule 562. Section 106.1 of the code is amended as follows:

106.1 Submittal of documents. Construction documents, special inspection and structural observation programs, investigation and evaluation reports, and other data shall be submitted in 1 or more sets with each application for a permit. The construction documents shall be prepared by or under the direct supervision of a registered design professional when required by 1980 P.A. 299, MCL 339.101 to 339.2721. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R 408.30564 Elevator control.

Rule 564. Section 1301.6.14 of the code is amended as follows:

1301.6.14 Elevator control. Evaluate the passenger elevator equipment and controls that are available to the fire department to reach all occupied floors. Elevator recall controls shall be provided in accordance with the Michigan elevator code, R 408.7001 to R 408.8695. Under the categories and occupancies in table 1301.6.14, determine the appropriate value and enter that value into table 1301.7 under safety parameter 1301.6.14, elevator control, for fire safety, means of egress, and general safety. The values shall be zero for a single-story building.

R 408.30565 Payment of fees.

Rule 565. Section 108.1 of the code is amended as follows:

108.1 Payment of fees. The fees prescribed by the act shall be paid to the enforcing agency of the jurisdiction before a permit to begin work may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee has been paid.

R 408.30566 Smoke alarm locations.

Rule 566. Sections 401.4 and 401.5 are added to the code as follows:

401.4. Smoke alarm locations in existing buildings constructed before November 6, 1974. Within each dwelling unit or sleeping unit, a single-station smoke alarm shall be installed in the following locations:

1. In each sleeping room or each area directly outside the sleeping room.
2. On each floor level including the basement level.

For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than 1 full story below the upper level.

401.5. Equipment Requirements. The required equipment for smoke alarms consist of the following:

1. Installation. Smoke alarm devices shall be listed and installed in accordance with the provisions of this code, the manufacturers installation requirements, and the provisions of NFPA 72 as listed in chapter 15.

2. Power Source. The equipment shall be operable by power from 1 of the following primary sources.

- a. The building wiring provided that such wiring is served from a commercial source and is equipped with a battery backup. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

- b. A non-rechargeable battery that is capable of operating the smoke alarm in the normal condition for a life of 5 years.

- c. A rechargeable battery, with proper charging, able to power the alarm for a life of 5 years and shall be automatically recharged by an AC circuit of the commercial light and power source.

- d. A household or commercial use alarm system with battery backup listed and approved in accordance with the household and commercial fire warning equipment provisions of NFPA 72, as adopted by reference in this rule.

3. Audible Alarm Notification. The activation of the alarm signal shall produce a sound that is audible in all occupiable dwelling areas.

4. Testing and Maintenance. The owner of a dwelling unit, in which required or optional fire detection or fire protection systems equipment is installed, shall be responsible for the proper operation, testing, and maintenance of the equipment in accordance with the manufacturer's instructions included with the equipment. The occupant of rental dwelling units shall be responsible for the periodic operational testing and periodic cleaning of the installed equipment within the rental unit in accordance with the testing instructions provided in the manufacturer's instructions for the equipment. If the system fails, breaks, or is out of service, it shall be repaired and functional within 30 days.

Exception: Smoke alarms and devices installed in buildings constructed before November 6, 1974 where an installation was approved by the appropriate enforcing agency under regulations in effect at the time of the installation shall be considered to comply with the provisions of the code.

R 408.30568 Altered area use and occupancy classification change.

Rule 568. Section 110.1 of the code is amended as follows:

110.1 Altered area use and occupancy classification change. An altered area of a building shall not be used or occupied, and a change in the existing occupancy classification of a building or portion thereof shall not be made until the building official has issued a certificate of occupancy in accordance with the act. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of the other ordinances of the jurisdiction.

R 408.30569 Minimum requirements.

Rule 569. Section 1005.1 of the code is amended as follows:

1005.1. Minimum requirements. Accessibility provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall comply with the requirements of section 308.

R 408.30570 Board of appeals.

Rule 570. Sections 112.1 and 112.3 of the code are amended as follows:

112.1 Means of appeal. An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.

Exception: Requests for barrier free design exception shall be in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.

112.3 Qualification. The board of appeals shall consist of members who are qualified in accordance with the act.

R 408.30571 Violation penalties.

Rule 571. Section 113.4 of the code is amended as follows:

113.4 Violation penalties. (1) It is unlawful for any person, firm, or corporation to violate a provision of this code or fail to conform with any of the requirements thereof, or erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause work to be performed or done in conflict with or in violation of the approved construction documents or directive of the enforcing agency or a permit or certificate issued under this code.

(2) A violator shall be assessed a fine in accordance with the act.

R 408.30572 Stop work order.

Rule 572. Section 114.2 of the code is amended as follows:

114.2 Issuance. Upon notice from the enforcing agency, work on any building or structure that has been done contrary to this code or in a dangerous and unsafe manner shall immediately cease. Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed in the act.

R 408.30573 Change of occupancy. Rule 573. Section 308.4 of the code is amended as follows:

308.4. Change of occupancy. Unless technically infeasible, sections 308.5, 308.6, 308.7 and 308.8 of the code shall be applied in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.

R 408.30574 Accessibility.

Rule 574. Section 605.1 of the code is amended as follows:

605.1 General. A building, facility, or element that is accessible shall remain accessible in accordance with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30547.

R 408.30575 High-rise buildings.

Rule 575. Section 802.1 of the code is amended as follows:

802.1 High-rise buildings. Any building having 1 or more occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of sections 802.1.1 and 802.1.2.

Exception: The provisions of sections 802.1.1 and 802.1.2 shall apply to buildings having occupied floor levels more than 75 feet above the lowest level of fire department vehicle access where the local unit of government has complied with the provisions of section 403.1 of the Michigan building code, exception 6.

R 408.30576 Accessibility requirements.

Rule 576. Sections 906.1 and 1104.1 of the code are amended as follows:

906.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with the provisions of section 308.4.

1104.1 Accessibility requirements. The provisions of section 308 shall apply to buildings and facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the code official, the alternative requirements of sections 1104.1.1 to 1104.1.5 for that element shall be permitted.

R 408.30577 Applicability.

Rule 577. Sections 706.1 and 806.1 are added to the code and 1301.2 of the code is amended as follows:

706.1 General. A building, facility, or element that is altered shall comply with section 308.

806.1 General. A building, facility, or element that is altered shall comply with section 308.

1301.2 Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of chapters 4 through 12 of the code. The provisions in sections 1301.2.1 to 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, and S. The provisions of this rule shall not apply to buildings with occupancies in group H or I.